

SENATE BILL 199

M4, J1, L1

0lr1126
CF HB 167

By: **Senators Glassman, Garagiola, Kasemeyer, Klausmeier, Kramer, Mooney, Raskin, Rosapepe, Stoltzfus, and Stone**

Introduced and read first time: January 21, 2010

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2010

CHAPTER _____

1 AN ACT concerning

2 **Seasonal Farmer's Market Producer Sampling License**

3 FOR the purpose of authorizing a county to establish a seasonal farmer's market
4 producer sampling license to allow a producer of a farm product to prepare and
5 offer samples of the product at a farmer's market; requiring the license to be
6 valid at all farmer's markets in the county for a certain time period, for a single
7 fee; limiting a licensee to offer samples only of a product produced by the
8 licensee; requiring the Department of Health and Mental Hygiene to adopt
9 certain regulations; requiring a county issuing the license to adopt certain
10 ordinances; and generally relating to product sampling at farmer's markets.

11 BY adding to

12 Article – Health – General

13 Section 21–309.1

14 Annotated Code of Maryland

15 (2009 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 **21–309.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) A COUNTY MAY ESTABLISH A SEASONAL FARMER'S MARKET
 2 PRODUCER SAMPLING LICENSE TO BE REQUIRED FOR A PRODUCER OF A FARM
 3 PRODUCT TO PREPARE AND OFFER SAMPLES OF THE FARM PRODUCT FOR
 4 HUMAN CONSUMPTION AT A FARMER'S MARKET.

5 (B) A COUNTY SEASONAL FARMER'S MARKET PRODUCER SAMPLING
 6 LICENSE ESTABLISHED UNDER THIS SECTION SHALL:

7 (1) BE VALID AT ALL FARMER'S MARKETS IN THE COUNTY;

8 (2) BE VALID FOR THE ENTIRE SEASON FOR WHICH IT IS ISSUED;

9 AND

10 (3) HAVE A SINGLE FEE AS SET BY THE COUNTY.

11 (C) A SEASONAL FARMER'S MARKET PRODUCER SAMPLING LICENSEE
 12 SHALL USE THE LICENSE ONLY TO OFFER SAMPLES OF A FARM PRODUCT THAT
 13 HAS BEEN PRODUCED BY THE LICENSEE.

14 (D) ~~A COUNTY ISSUING A FARMER'S MARKET PRODUCER SAMPLING~~
 15 ~~LICENSE SHALL ADOPT AN ORDINANCE~~ THE DEPARTMENT SHALL ADOPT
 16 REGULATIONS THAT:

17 (1) ~~ESTABLISHES~~ ESTABLISH ELIGIBILITY FOR THE LICENSE;

18 (2) ~~PROVIDES~~ PROVIDE FOR THE AUTHORIZED USES OF THE
 19 LICENSE;

20 (3) ~~ESTABLISHES~~ ESTABLISH STANDARDS AND APPROVED
 21 METHODS UNDER WHICH SAMPLING SHALL BE CONDUCTED;

22 (4) ~~SPECIFIES~~ SPECIFY THE DURATION OF THE SEASON DURING
 23 WHICH THE LICENSE IS VALID; AND

24 (5) INCLUDE OTHER PROVISIONS THAT ARE NECESSARY TO
 25 PROTECT PUBLIC HEALTH AND CONTROL FOODBORNE ILLNESSES.

26 (E) A COUNTY ISSUING A FARMER'S MARKET PRODUCER SAMPLING
 27 LICENSE SHALL ADOPT AN ORDINANCE THAT:

28 ~~(5)~~ (1) SETS THE FEE FOR THE LICENSE;

29 ~~(6)~~ (2) PROVIDES FOR THE ENFORCEMENT OF PROVISIONS OF
 30 LAW UNDER WHICH THE LICENSE IS ISSUED; AND

1 ~~(7)~~ **(3)** PROVIDES PENALTIES FOR VIOLATIONS OF PROVISIONS
2 OF LAW UNDER WHICH THE LICENSE IS ISSUED; ~~AND~~

3 ~~(8)~~ ~~INCLUDES OTHER PROVISIONS THAT THE COUNTY~~
4 ~~DETERMINES ARE NECESSARY TO PROTECT PUBLIC HEALTH AND CONTROL~~
5 ~~FOODBORNE ILLNESSES.~~

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.